



**AGENDA
SPECIAL MEETING
FREEPORT CITY PLANNING COMMISSION
TUESDAY, APRIL 20, 2021 at 6:00 P.M.**

Planning Commission

Members:

Eric Hayes
Andrew H. Dill

Nicole Mireles

Melanie Oldham
Keith Stumbaugh

THE CITY PLANNING COMMISSION OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON TUESDAY, THE 20TH^d DAY OF MARCH 2021, AT 6:00 P.M., AT THE FREEPORT POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD, FREEPORT TEXAS FOR THE FOLLOWING PURPOSES:

BECAUSE OF THE PUBLIC HEALTH THREAT, SEATING WILL BE POSITIONED TO MEET THE REQUIREMENTS OF THE CDC, AND ATTENDEES WILL BE REQUIRED TO WEAR A FACE MASK.

THE GENERAL PUBLIC MAY ALSO JOIN THE PUBLIC MEETING REMOTELY BY TELECONFERENCE BY DIALING:

(US): (425) 436-6312 AND USING ACCESS CODE 5678901

OR

AUDIO VISUAL CONFERENCE CALLS USING:

PCs, Macs®, Chromebooks™, iOS and Android™ phones and tablets.

International dial-in numbers: https://fccdl.in/i/planning_comm_042021

For users wanting to view and listen to the Planning Commission meeting via a web browser go to [https:// join.freeconferencecall.com/planning_comm_042021](https://join.freeconferencecall.com/planning_comm_042021)

Enter access code 5678901 and the online meeting ID: [planning_comm_042021](https://join.freeconferencecall.com/planning_comm_042021)

For additional assistance connecting to the meeting text 'Call Me' to the Dial-In number above and you will be called into the conference. Message and rates may apply.

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER: *The Chairperson will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.*

- **INVOCATION:** (Planning Commission Member)

- **PLEDGE OF ALLEGIANCE:** (Planning Commission Member)

PLANNING COMMISSION BUSINESS

REGULAR SESSION:

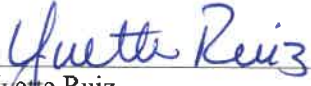
1. Subdivision Ordinance and Zoning Project update by Kendig Keast.

Items not necessarily discussed in the order they appear on the agenda. The Planning and Zoning Board at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

ADJOURN:

ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, before 6:00 p.m., in accordance with Open Meetings Act.



Yvette Ruiz
Planning / Zoning Coordinator
City of Freeport, Texas



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ZONING AND SUBDIVISION ORDINANCES

CHAPTER 154: SUBDIVISIONS

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154.100 PURPOSES AND APPLICATION

§ 154.101 PURPOSES.

The general purpose of the subdivision platting process is to ensure compliance with the land development standards and requirements set forth in this Chapter, and other applicable requirements of the City to encourage quality development consistent with the goals of the Strategic Community Plan. Other purposes are to:

- (A) Provide for the harmonious development of the City and its extra-territorial jurisdiction (ETJ), for the coordination and alignment of streets within subdivisions with other existing or planned streets, or with other features of the City;
- (B) Provide for appropriate open space for recreation, public facilities, light, and air;
- (C) Ensure that development is compatible with and properly integrated into existing and future neighborhoods;
- (D) Provide for protection from fire, flooding, and other dangers;
- (E) Regulate the design, dedication, and acceptance of infrastructure for transportation, water, wastewater, drainage, recreation, resource protection, and other purposes;
- (F) Coordinate the development of tracts of land so that proposed infrastructure is adequate, safe, orderly, economical, and efficient and aligns with existing infrastructure;
- (G) Protect groundwater and surface water from erosion and contamination by storm water runoff and other sources of pollution;
- (H) Reduce potential impacts of new development on street congestion by providing alternative travel routes, provide a meaningful choice of alternative modes of transportation, shorten trips to work, shopping, or recreation, or lessen overall vehicle miles traveled; and
- (I) Assure that facilities to be accepted and maintained by the City are properly located and constructed.

§ 154.102 APPLICATION.

(A) Application of Chapter.

- (1) No building permit may be issued for any building, structure or improvement located within a subdivision or upon any parcel, tract or lot, and no plat for a subdivision of land may be recorded with Brazoria County, until a plat for the subdivision, parcel, tract, or lot has received final approval, all required dedications of land have been accepted by the City, and all required improvements have been provided for and installed in accordance with the procedures and requirements of this Chapter.
- (2) This Chapter applies to all subdivisions or re-subdivisions in all areas of the City and its ETJ that result in the portioning, dividing, combining, or altering of any lot, parcel, or tract of land required for a building permit or any other activity or use of property which is not already platted.

(B) **Jurisdiction.** This Chapter sets out standards to be applied in the review of subdivision plats in the City and the extraterritorial jurisdiction (ETJ), in addition to other applicable regulations of this Chapter.

(C) **Types of Subdivision Plats.** This Chapter sets out the applicable subdivision requirements for the following types of plats:

- (1) Amending Plat
- (2) Minor Plat
- (3) Preliminary Plat
- (4) Final Plat
- (5) Plat Vacation
- (6) Replats





- (D) **Improvements.** Existing and proposed public improvements required in this Chapter shall conform and be properly related to the policies of the Strategic Community Plan and all related provisions of the City's Code of Ordinances. The Brazoria County Thoroughfare Plan is the basis for all decisions regarding classification, reservation, or dedication of rights-of-way that may be required by this Chapter.
- (E) **Exceptions to Platting Requirement.** No provision of this Chapter applies to any lot in a subdivision legally created and filed for record before the effective date of this Chapter, unless the lot is further subdivided, re-subdivided or where there is a building permit requested or required.
- (F) **Waiver of Platting Requirement.** The Administrator may waive the requirement for platting where he or she determines that the nature of the request for a building permit is such that there is no impact upon the purposes of this Chapter. Examples of activities that may be considered for a waiver include, but are not limited to:
 - (1) Single-issuance of electrical and/or gas permit;
 - (2) A foundation or building less than 150 square feet in size; and
 - (3) Other comparable activities as determined by the Administrator.
- (G) **Lot Splits.** Lot splits resulting from other than an approved plat shall not be considered by the City as a legitimate use or sale of land unless it is platted or replated in compliance with the minimum requirements of this Chapter or [CHAPTER 155: ZONING CODE](#), and shall otherwise be prohibited.





154.200 GENERAL PROVISIONS

§ 154.201 DEFINITIONS.

100-YEAR FLOOD means a flood of such magnitude as may be reasonably expected to equal or exceed on an average of once every 100 years. The term also means that level of flooding having a one percent probability of occurrence each year. ('68 Code, § 33-40) (Ord. 1228, passed 12-20-71)

ADMINISTRATOR means the City Manager or his designee to administer the regulations and provisions of this Chapter.

ALLEY means a minor way used primarily for vehicular and/or utility service to the rear or side of properties otherwise abutting on a street.

AMENDING PLAT means a plat that provides an expeditious means of making minor revisions to a recorded plat, such as correcting errors or relocating lot lines consistent with provisions of Texas Local Government Code [212.016, Amending Plat](#).

APPLICANT means any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision. The term shall be restricted to include only the owner or the authorized agent to such owner of land sought to be subdivided.

BLOCK means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels, boundaries of a municipality, or a combination thereof.

CERTIFICATE OF IMPROVEMENT means an instrument which the City Engineer shall furnish the Planning Commission, being a written certification stating that all improvements required by the general provisions of this Chapter concerning regulations which have been completed prior to the final approval have been satisfactorily completed in accordance with all City plans and specifications for such improvements, and shall further certify that sufficient cash has been deposited or security bond furnished with the City to secure the completion of all improvements.

CITY means the City of Freeport, TX.

CUL-DE-SAC means a short minor street having only one vehicular access to another street and terminated by a vehicular turn-around.

EASEMENT means a grant of one or more property rights by the property owner to and for the use of the public, a corporation or other persons, for a designated part of his property, and for a specified purpose.

EXTRATERRITORIAL JURISDICTION means the area adjacent to the City as determined under Tex. Local Gov't Code, Chapter 42.

FINAL PLAT means a map of a land subdivision prepared according to applicable laws of the State of Texas and ordinances of the City and County having the necessary affidavits for filing, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

LOT means a platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

LOT LINES means the lines bounding a lot or parcel.

LOT WIDTH means the minimum distance between the side lot lines of a lot measured along a straight line at the rear of the required front yard and parallel to the street line.

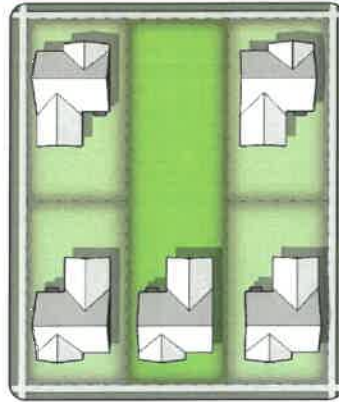
LOT, CORNER means a lot located at the intersection of and abutting two or more streets.





LOT, THROUGH means a lot having a pair of opposite property lines along two or more public streets, and that is not a corner lot.

Figure 154.101-1
Through Lot



MINOR PLAT means a plat containing four or fewer lots fronting on an existing street and does not require the creation of any new streets or the extension of municipal facilities.

PARCEL means a contiguous area of land in the possession of or owned by, or recorded as the property of, the same person or persons.

PLANNING COMMISSION means the Planning Commission for the City of Freeport, TX as established by the City Council pursuant to Article II, Section 2, of the Home Rule Charter of the City.

PRELIMINARY PLAT means a plat of a proposed subdivision to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Chapter.

P.S.I. Pounds per square inch.

RESUBDIVISION means the division of an existing subdivision, together with any change of lot or area size therein, or the relocation of any street line or lines.

SPECIAL FLOOD PRONE AREA means the area designated as Zone A on the Federal Insurance Administration Maps Nos. H48 039 2490 03 and I 48 039 2490 03 filed in the Office of the City Secretary.

SUBDIVISION means the division of a tract or parcel of land into two or more lots or parts or other division of land, for the purpose, whether immediate or in the future, of transfer of ownership or building development, but expressly excluding development for agricultural purposes, and shall include resubdivisions. The term shall further include the division of land whether by lots and/or blocks, plats, and/or metes and bounds description.

('68 Code, § 33-1) (Ord. 472, passed 12-18-56; Am. Ord. 2008-2201, passed 5-19-08)

VACATING PLAT means a plat to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of Texas Local Government Code [212.013](#).



§ 154.202 ENFORCEMENT OF CHAPTER.

The City shall not furnish City utilities or other services to any landowner, subdivider, or person who violates the provisions of this Chapter. The City shall have the right to prohibit violation of this Chapter or correct such violation by writ of injunction.

('68 Code, § 33-2) (Ord. 472, passed 12-18-56)

§ 154.203 SUBDIVISION UNDER DIRECTION OF CITY.

- (A) **Subdivision Required.** All land within the City not subdivided into lots, blocks and streets, or within the extraterritorial jurisdiction (ETJ) of the City, shall be laid out under the direction of the Planning Commission, subject to the approval of the City Council in the case of a final plat. No other subdivision will be recognized by the City. The City Engineer, or designee, shall check the plat and make recommendations prior to the consideration of a plat by the Planning Commission.. The City may enter into and, from time to time, amend an agreement with Brazoria County regarding the regulation of plats within the City's ETJ as permitted by Tex. Local Gov't Code, [Chapter 242](#).
- (B) **Unlawful Development.** It shall be unlawful for any owner, or agent of any owner, to lay out, subdivide, or plat any land into lots, parcels, blocks, and streets within the City limits, or to sell property, which has not been laid out, subdivided, and platted according to the provisions of this Chapter and the rules and regulations of the Planning Commission.
- (C) **Compliance Required.** No officer or employee of the City shall perform, or cause to be performed, any work upon any street, or any addition or subdivision, unless all provisions of this Chapter have been complied with by the owner of an addition, subdivision, or resubdivision. No City employee shall appear on behalf of any applicant before the Planning Commission or City Council.
- (D) **Timing of Public Improvements.** No public improvements shall be initiated nor any contracts executed until subdivision approval has been granted. The City shall withhold all applicable public improvements of any nature, including the maintenance of streets and street lights, and furnishing of wastewater facilities and water service from all additions, unless and until:
 - (1) The final subdivision plat has been approved by the Planning Commission and City Council;
 - (2) The final plat is filed for record with Brazoria County; and
 - (3) A copy of the recording documents are returned to the City. No public improvements shall be initiated nor any contracts executed until subdivision approval has been granted.
- (E) **Plat Recordation.** No final plat shall be released for filing with Brazoria County, and no building permit shall be issued prior to recordation of the plat with the County until requirements of this Chapter and [CHAPTER 155: ZONING CODE](#), have been met.

('68 Code, § 33-4) (Ord. 472, passed 12-18-56; Am. Ord. 2008-2201, passed 5-19-08) Penalty, see § 10.99

§ 154.204 RELATIONSHIP TO OTHER APPROVALS

- (A) **Zoning Prerequisite.** If a plat approval requires a rezoning in order to comply with the requirements of this Chapter, then the plat application shall not be accepted for processing until the rezoning is approved. Plat applications that are submitted with rezoning applications will be considered filed as of the date of the rezoning approval, provided that the application is complete on that date.
- (B) **Coordinated Approval.** The City will not accept or maintain any street, will not allow the connection to any water service, or sanitary sewer service, and will not allow the connection of any utility to any subdivision of land, unless and until:
 - (1) A final plat for the subdivision, parcel or tract has been approved by the Planning Commission;
 - (2) Bufferyards, if required, are installed per the approval;





- (3) Required landscaping is installed, as applicable; and
- (4) Required irrigation is installed, inspected, and tested by the City.

§ 154.205 CONFORMITY TO CHAPTER PROVISIONS.

To be approved, a plat, replat of any subdivision, or resubdivision within the City or its ETJ, shall follow and conform to the provisions of this Chapter.

('68 Code, § 33-15) (Ord. 472, passed 12-18-56)

§ 154.206 FEES AND CHARGES.

- (A) **Master Fee Schedule.** The City Secretary, his deputies, and/or assistants shall calculate and collect the fees in accordance with the Master Fee Schedule. All of the applicable fees and charges shall be paid in advance and no action of the Planning Commission or any other commission, board or agency, shall be valid until the fee shall have been paid to the appropriate officer of the City.
- (B) **Fee Regardless of Action.** These fees shall be charged on all plats, regardless of the action taken by the Planning Commission or whether the plat is approved or denied.

('68 Code, § 33-22) (Ord. 472, passed 12-18-56)





154.300 SUBDIVISION REQUIREMENTS

§ 154.301 MINIMUM REQUIREMENTS.

The requirements in § 154.302, *Lot Sizes*, through § 154.313, *Minimum Height and Structural Elevations*, are the minimum requirements to be provided by the subdivider at their own cost and expense before consideration will be given to any final plat of any subdivision or resubdivision within the City or its ETJ.

('68 Code, § 33-16) (Ord. 472, passed 12-18-56; Am. Ord. 472-A, passed 4-15-74, Am. Ord. 472-B, passed 12-16-74)

§ 154.302 LOTS.

(A) Generally.

(1) New lots shall be dimensioned according to the requirements zoning district-specific requirements within § 155.503, *Standards for Residential Development*, or § 155.504, *Standards for Non-Residential Development*. The size, shape, orientation, and buildable area of lots shall be appropriate to the applicable zoning district, the location of the proposed development, and to the type of development contemplated.

(2) Lots are required to be platted unless specifically exempted by this Chapter. Lots shall be of appropriate size, width and depth to provide for adequate off-street parking, loading facilities, landscaping, and other required site improvements and open space or landscape surface areas.

(B) **Shape.** Side lot lines shall be approximately at right angles to the centerlines of abutting streets. Alternative configurations may be recommended by the Administrator and approved by the Planning Commission to accomplish a public purpose, such as the preservation of estuarine and marine, freshwater emergent, freshwater forested/shrub wetlands, water bodies, and other environmentally sensitive lands.

(C) Lot Frontage.

(1) Generally, new single-family detached and attached, multiplex, and live-work residential lots shall front only on minor streets. Alternatively, such lots may front on common open spaces, provided that vehicular access may be taken from an alley that serves not more than 12 dwelling units.

(2) Through lots for single-family detached and attached, multiplex, and live-work residential lots are not allowed. Where residential development is bound by one or more arterial streets, lots shall be separated from the arterial street rights-of-way by a minimum 20 foot bufferyard that is owned and maintained by a property owners' association or through an agreement accepted as to form by the City Attorney and approved by the City Council. Such agreement shall run with the land.

(D) Cul-de-Sacs.

(1) Lots facing a cul-de-sac street are exempt from the width requirements set out above, but shall conform to the minimum lot area required by either § 155.503, *Standards for Residential Development*, or § 155.504, *Standards for Non-Residential Development*.

(2) Lots facing a cul-de-sac street shall meet the minimum lot width requirement at a distance of 25 feet from the front property line.

('68 Code, § 33-16(A)) (Ord. 472, passed 12-18-56; Am. Ord. 472A, passed 4-15-74, Am. Ord. 472B, passed 12-16-74)
Penalty, see § 10.99

§ 154.303 BLOCKS.

(A) **Generally.** The length, width, and shape of blocks shall be determined with regard to the following:

- (1) The provision of adequate building sites suitable to the particular needs of the type of use contemplated;
- (2) The required lot widths and lot areas for the development;
- (3) The need for convenient access, circulation, control, and safety of street traffic;





- (4) The need to provide for mobility and accessibility for people who use alternative modes of transportation; and
 - (5) Limitations and opportunities of soils, natural resources, and uses or features that bound the parcel proposed for development.
- (B) **Dimensions.** Blocks shall be dimensioned according to the following standards:
- (1) Blocks that are used to provide access to single-family detached and attached dwellings shall be of sufficient width to allow two tiers of lots with appropriate lot depths (according to the lot widths and areas applied).
 - (2) Generally, blocks that are used to provide access to residential uses shall not be longer than 800 feet. Blocks may be up to 1,200 feet in length if there is a mid-block pedestrian easement, with a minimum width of 15 feet, providing access to abutting blocks.
 - (3) Blocks for business or industrial use shall be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities and other site improvements, landscape surface areas, and open space areas required by [CHAPTER 155: ZONING CODE](#).
- (C) **Relationship to Existing Arterial and Collector Streets.** Residential blocks shall be designed so that lots are not oriented for access from arterial or collector streets. Marginal access streets may be approved if necessary for the efficient layout of lots on a parcel proposed for development, provided that:
- (1) Access to the marginal access street meets the requirements of [§ 154.311, Access Management](#); and
 - (2) A bufferyard (refer to [§ \[redacted\]](#)) is provided between the marginal access street and the abutting arterial or collector street.

§ 154.304 COMMON OPEN SPACE.

- (A) **Generally.** Recreation areas, resource protection areas, and other accessible open spaces may be integrated into development design to bring open space to properties, as well as visibility from public rights-of-way within the proposed development. Visual or physical access to open spaces may be limited if such limitations would materially enhance natural resource management compared to a condition of more open access.
- (B) **Preservation of Existing Tree Stands.** Development should be designed so that ecologically important features are protected and located in designated open spaces whenever practicable.
- (C) **Greenways.** Open space may be designed to provide greenways along the river and its tributaries, waterways, and drainage corridors. Where not inconsistent with maintenance of drainage facilities, landscaping along waterbodies shall be designed to enhance stormwater quality, ecosystems and habitats.
- (D) **Continuity.** During the layout and design of a subdivision, the subdivider shall provide for interconnectivity within the development and with adjacent and future development.
- (E) **Designation.** All boundaries of open space shall be identified as tracts on a plat or site plan.
- (F) **Securely Held.** Open space shall not be developed or redeveloped once established, unless approved by the City Council.
- (G) **Ownership.** Open space may be privately held and maintained. Publicly dedicated open space may be owned in the following ways:
- (1) Dedication to the City in cases where the City accepts the dedication;
 - (2) Through a special district formed in accord with state statute;
 - (3) A duly recorded covenant of easement whereby the City is a party to the easement, as authorized by motion of the Council;
 - (4) A duly recorded conservation easement that is:
 - (a) Platted and recorded as a portion of and along the rear lot line of fee simple lots to preserve significant resource features as native landscape, provided that portion of the lot outside of the easement meets the minimum lot area requirement of the respective district;





- (b) Dedicated to a pre-approved private, non-profit organization that is capable of managing the open space in perpetuity; or
 - (c) Held in common by a property owners' association, with an easement dedicated to all property owners within the association.
- (H) **Maintenance.** Under any arrangement, the easement shall require maintenance as indicated on the approved plat or site plan. The Council has the right under such easement to maintain the area and place a lien on the property, or a property owners' association to recover its costs.

§ 154.305 MONUMENTS.

- (A) **Generally.** Monuments shall be placed to mark the following lot corners, points of curvature, points of tangency, reference points, street centerlines, and where street lines intersect the exterior boundaries of a subdivision.
- (B) **Monument Requirements.**
- (1) **Materials.** Iron rods, five-eighths-inch in diameter and three feet long, shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin one-quarter-inch in diameter embedded three inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall not be less than 12 inches above the finished ground level.
 - (2) **Marks.** Marks on existing concrete, stone, or steel surface must consist of drill holes, chisel marks, or punch marks and must be of sufficient size, diameter, or depth to be definitive, stable, and readily identifiable as a survey monument. Marks on asphalt streets may consist of railroad spikes, large nails, "PK nails", or other permanent metal spikes or nail-like objects.
 - (3) **Stakes.** Wooden stakes shall not be set as permanent boundary monuments.
- (C) **Monument Installation.** Monuments must be set vertically whenever possible and the top must be reasonably flush with the finished grade when practical. Monuments subject to damage from earthwork, construction, or traffic should be buried at a sufficient depth to offer protection.
- (D) **Witness Monuments.** When physically impossible to set a monument at the corner, witness monuments shall be set when possible, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat of the property.
- (E) **Benchmarking.**
- (1) **When Required.** For all subdivisions of five lots or more, a permanent benchmark shall be accessibly placed, the elevation of which shall be based on mean sea level as determined by the U.S. Geological Survey (USGS) and accurately noted on the subdivision plat. Permanent benchmarks shall be brass capped, set in concrete, with a minimum dimension of six inches in diameter, four feet long with a flat top. The top of the brass monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade stamped with one-half inch number.
 - (2) **When Not Required.** Where no benchmark is established or can be found within 300 feet of the boundary of the subdivision, such benchmark shall be established to the latest edition of the U.S. Coast and Geodetic Survey datum. The benchmark shall be established upon a permanent structure, or may be set as a monument and shall be readily accessible and identifiable on the ground.
- (F) **Lot Makers.** Lot markers shall be five-eighths-inch or greater reinforcing bar, 24 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary, to avoid being disturbed.





§ 154.306 STREETS AND RIGHTS-OF-WAY.

The subdivider shall dedicate a minimum street right-of-way as required in Table 154.306-1, *Right-of-Way and Street Pavements Widths by Street Classification Type* and illustrated in Figure 154.306-1, *Right-of-Way Street Pavement Illustrations*.

Table 154.306-1 Right-of-Way and Street Pavements Widths by Street Classification Type ¹		
Street Types	Right-of-Way Width Minimum ²	Pavement Street Width Minimum
Local	60 ft	36 ft
Major Collector	80 ft	24 ft
Principal Thoroughfare	150 ft	2 lanes - 24 ft / 3 lanes - 36 ft

Table Notes:
¹Additional right-of-way width and/or street pavement width may be required to accommodate the existing rights-of-way and existing street pavement.
²"Right-of-Way Width Minimum" shall be measured from front lot line to front lot line of opposite lots.





Figure 154.306-1
Right-of-Way and Street Pavement Illustrations

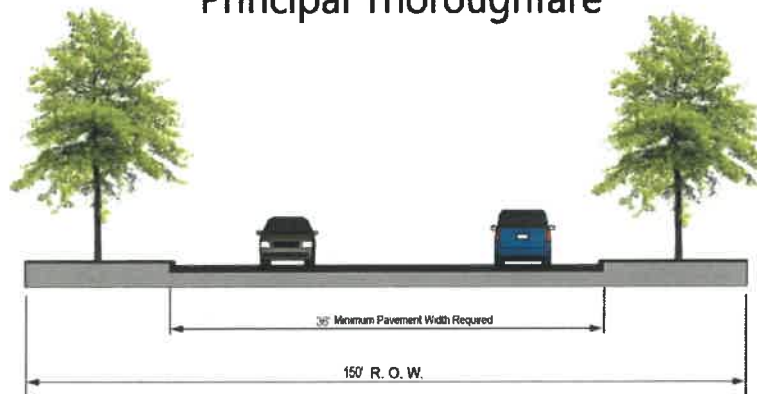
LOCAL STREET



Major Collector



Principal Thoroughfare





§ 154.307 PAVEMENT.

- (A) **Roadways.** All roadways shall be paved. Pavements shall be of suitable width for the traffic on the street, and shall meet the width requirements as provided in Table 154.306-1, *Right-of-Way and Street Pavements Widths by Street Classification Type*.
- (B) **Rights-of-Way.** The rights-of-way shall be graded for their full widths to provide suitable finish grades for pavements, sidewalks, and planting strips with adequate surface drainage and convenient access to the lots.
- (C) **Minimum Requirements.** Minimum acceptable pavements shall be:
 - (1) Five-inch reinforced concrete pavement (2500 P.S.I.) with six inch integral concrete curbs.
 - (2) Asphaltic concrete pavement, four inches of coarse graded binder course and two inches of fine graded surface course, with a six-inch concrete curb and 18-inch gutter (24 inches overall).

('68 Code, § 33-16(E)) (Ord. 472, passed 12-18-56; Am. Ord. 472A, passed 4-15-74, Am. Ord. 472B, passed 12-16-74) Penalty, see § 10.99

§ 154.308 SANITARY SEWER.

- (A) **Generally.** Sanitary sewers shall be installed to serve each lot in all subdivisions.
- (B) **Requirements.** All subdivisions shall be provided with an approved sewage disposal system to conform to the latest TCEQ (Texas Commission on Environmental Quality) regulations and the City's Standard Construction Specifications.

§ 154.309 WATER.

- (A) **Generally.** Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply and fire protection to all lots and shall conform to the City's water system.
- (B) **Requirements.**
 - (1) *Location.* Where possible, water mains shall be located in the streets and shall be so located as to be accessible without disturbing the pavement.
 - (2) *Fire Hydrants.* Fire hydrants shall be placed on block corners or near the center of the block so all of every lot is within a radius of 500 feet, but preferably within 400 feet of a fire hydrant.
 - (3) *Minimum Service.* The system shall be so valved as to provide a minimum number of blocks to be out of service at any one time.

('68 Code, § 33-16(G)) (Ord. 472, passed 12-18-56; Am. Ord. 472A, passed 4-15-74, Am. Ord. 472B, passed 12-16-74) Penalty, see § 10.99

§ 154.310 SIDEWALKS.

- (A) **Required for New Development.** Sidewalks meeting the requirements of this Section are required for the construction of all new subdivisions within the City.
- (B) **Required for Redevelopment.** Sidewalks meeting the requirements of this Section are required be installed on all properties being redeveloped when:
 - (1) There is a portion of sidewalk that currently exists on the same block and side of the street as the property being redeveloped by the applicant; and
 - (2) There is sufficient right-of-way available between the edge of the curb or street pavement and the start of a property owner's private property to properly install the sidewalk.
- (C) **Width.** Sidewalks shall be at least four-foot wide.
- (D) **Technical Standards.** Sidewalks shall be:
 - (1) Four inches thick; and





- (2) Concrete of at least 2,500 P.S.I.
- (C) **Distance from Roadway.** Sidewalks shall be placed four feet from the back of the curb to provide for a four feet grass strip between the curb and the sidewalk. This distance is measured from the back edge of the curb to the front edge of the sidewalk. If the street does not have a curb, then the measurement will be from the back edge of the road to the front edge of the sidewalk.
- (D) **Curb Ramps.** Wheelchair ramps shall be provided at all necessary intersections and as required by the state Department of Licensing and Regulation and the Americans with Disabilities Act.

§ 154.311 ACCESS MANAGEMENT.

(A) **Access.**

- (1) *Generally.* New streets within developments shall provide access to all building sites and parcels in the development.
- (2) *Street Alignment.* Street alignments within the residential subdivisions shall utilize curves, islands, intersections, and/or other methods that allow adequate access but discourage speeding.

(B) **Driveways.**

- (1) *Single-Family Detached, Duplex, and Single-Family Attached Dwelling Units.* Driveway width shall be maintained between the property line and the garage or carport opening, except that it may be expanded where a turnaround is required by this Chapter. Driveways that provide access to individual single-family detached, duplex, or single-family attached dwelling units shall be a maximum of the following:
 - (a) A single-width driveway running from the street access to a garage or other parking area shall not utilize more than 15 percent of any front yard, except for front yards with a frontage of less than 70 feet in width, in which case the maximum width of a single driveway shall be 11 feet;
 - (b) A double-width driveway running from the street access to a garage or other parking area shall not utilize more than 27 percent of any front yard, provided that the maximum width of a driveway shall not exceed 24 feet or 18 feet for lots with a frontage of less than 70 feet;
 - (c) A triple-width driveway running from the street to a garage or other parking area shall not utilized more than 33 percent of any front yard, provided that the maximum width of a driveway shall not exceed 30 feet in any case, and shall not be permitted for front yards with a frontage width of less than 80 feet; or
 - (d) Circular driveways shall not utilize more than 30 percent of any front or street side yards with a front of less than 80 feet in width.
- (2) *All Other Uses.* Driveways that are not subject to Subsection B.2., above, shall be at least 25 feet wide, but not more than 45 feet wide (at the property line), and configured to direct traffic safely into and out of the parcel proposed for development. Such configuration may require median separation between ingress lanes and egress lanes.

§ 154.312 UTILITY EASEMENTS.

- (A) **Generally.** During the development approval process, the City may require a variety of easements on private property or lots. These easements may include, but are not limited to the following purposes:
- (1) Pedestrian access;
 - (2) Solid waste removal;
 - (3) Fire protection or hazard mitigation;
 - (4) Access to public utilities or drainage areas;
 - (5) Utilities; and
 - (6) Drainage.





- (B) **Alleys.** Alleys will not be required, but utility easements shall be seven and one-half feet on each side of the rear or side lot lines.
- (C) **Easement Connections.** Easements shall connect with established easements and adjoining property.

§ 154.313 MINIMUM LOT AND STRUCTURAL ELEVATIONS.

- (A) **Issuing Building Permits.** The Building Inspector shall not issue a building permit in any new subdivision areas of the City which building and/or lot fails to comply with the minimum elevations of this Chapter.
- (B) **Lot Elevation.** All lots within any approved subdivision shall be at least three feet above mean sea level.
- (C) **Finished Floor Elevation.** The subdivider shall provide in all restrictive covenants that the finished floor elevation of all buildings on any lot shall be at least 24 inches above the highest gutter elevation on streets abutting upon each lot.

('68 Code, § 33-16(J)) (Ord. 472, passed 12-18-56; Am. Ord. 472A, passed 4-15-74, Am. Ord. 472B, passed 12-16-74) Penalty, see § 10.99

§ 154.314 FLOOD DAMAGE PREVENTION

All subdivision proposals shall be consistent with all applicable provisions of [Chapter 153: Flood Damage Prevention](#).





§ 154.315 MEASUREMENTS

Table 154.315-1, *Measurements*, below, provides the method of measurement for the standards in this Chapter and Chapter 155, *Zoning*.

Table 154.315-1 Measurements		
Measurement	Methodology	Illustration
Building Coverage	The area of a lot covered by any roofed structure, but not paved areas, such as patios.	
Gross Density	The number of dwelling units divided by gross acres.	<p>Gross Density 10.0 Acres of land - 1.5 Acres of open space 45 Units/8.5 Gross Acres = 5.29 Units per Acre</p>
Gross Floor Area	The total area of all the floors of a building, including intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building.	





Table 154.315-1
Measurements

Measurement	Methodology	Illustration
Height	<p>Buildings: The vertical distance from the grade level of that portion of a parcel covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gable, hip or gambrel roof.</p>	
Height	<p>Walls or Fences: The vertical distance from the grade level of that portion of a parcel immediately abutting a wall or fence to the highest point of the wall or fence.</p>	
Lot Area	<p>The total horizontal area included within property lines.</p>	





Table 154.315-1
Measurements

Measurement	Methodology	Illustration
<p>Lot Width</p>	<p>For an interior parcel, the horizontal distance between the side property lines, measured at the required front setback line. For a cul-de-sac parcel, the horizontal distance between the side property lines measured at the front setback line.</p>	
<p>Setback</p>	<p>The horizontal distance of a required open space at grade between the outer wall of a building or structure and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward. The front and side setback lines span the entire width of the property. The interior side and exterior side setback lines extend from the required front setback line to the required rear setback line.</p>	





Table 154.315-1
Measurements

Measurement	Methodology	Illustration
<p>Visibility Triangle</p>	<p>A triangular area that includes that portion of public right-of-way and any private property within a triangle formed by a diagonal line extending through points on the two property lines 25 feet from the street corner intersection of the property lines. The vertical dimensions of this triangle are two feet to six and one-half feet above finished grade.</p>	<p>The top diagram illustrates a street corner with a diagonal line forming a triangle. The vertical dimension is labeled 'A' and the horizontal dimension is labeled 'B'. Below the diagram, it states 'A and B = 25\''. The bottom diagram shows a tree with a vertical dimension 'A' and a horizontal dimension 'B' at the base. Below the diagram, it states 'A = 80" and B = 24"'. The word 'Street' is written below the tree's base.</p>





Table 154.315-1
Measurements

Measurement	Methodology	Illustration
<p>Block Perimeter</p>	<p>The sum of the lengths of the lot lines bordering the public right of way, not including the alley.</p>	<p>Key</p> <ul style="list-style-type: none"> --- Property Line --- Setback Line ■ Buildable Area







154.400 APPLICATIONS, REVIEW, AND NOTICE

§ 154.401 PRE-APPLICATION CONFERENCE

- (A) **Purpose.** The purpose of a pre-application conference is to familiarize the applicant with the submittal requirements and review procedures, including all applicable standards and any known constraints, hazards, or special conditions associated with the subject property.
- (B) **Applications Requiring a Pre-Application Conference.** Table 154.106-1, *Summary of Procedures*, denotes the subdivision applications that require a pre-application conference.
- (C) **Submittals.** At or following the pre-application conference, the Administrator may request that the applicant provide additional materials at the time of application submittal as necessary per § 154.502, *Common Decision Criteria*.
- (D) **Disclaimer.** The pre-application conference shall not imply, in whole or in part, any final decision regarding any application as its purpose is informative in nature.

§ 154.402 FILING OF APPLICATION

- (B) **Generally.** Every application for development approval required by this Chapter shall be submitted on a form approved by the responsible official, along with the corresponding application fee.
- (C) **Authorization to Initiate an Application.** Table 154.402-1, *Application Authorization*, denotes those who are authorized to initiate each of the application types.

Application Type	Council or Commission	Property Owner ¹
Amending and Minor Plats	No	Yes
Preliminary Plats	No	Yes
Final Plats	No	Yes
Replats	No	Yes
Vacating Plat	Yes	Yes
Text Amendment	Yes	Yes
Subdivision Variance	No	Yes
Appeals	No	Yes

TABLE NOTES:
 "Yes"= Entity may initiate application | "No" = entity may not initiate application
¹ Including his or her agent

- (D) **Forms and Fees.** Every application required by this Chapter shall be submitted in a format and in numbers established by the Administrator and shall include a fee as described in § 154.206, *Fees and Charges*.
- (E) **Form Updates.** The Administrator shall promulgate and periodically revise forms for each type of application required by this Chapter.
- (F) **Information Required.** Application forms shall include specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the responsible official, and have the purpose of facilitating:
 - (1) The evaluation of applications for compliance with the standards of this Chapter; and
 - (2) The administration of this Chapter.
- (G) **Deadlines.** The Administrator may establish periodic application submittal deadlines.
- (H) **Continuing Review Process.** Complete applications shall subsequently undergo the processes established in § 154.403 *Application Completeness*.





§ 154.403 APPLICATION COMPLETENESS

(A) Completeness Review.

- (1) *Administrator Responsibility.* The Administrator shall review all development review submittals for completeness.
- (2) *Meaning of Completeness.* The Administrator shall deem complete a submittal that contains:
 - (a) All of the submittal information required in the application form;
 - (b) Documents or drawings that are prepared and certified by qualified professionals (where such certifications are required);
 - (c) The application fee; and
 - (d) Any additional information that is necessary to demonstrate compliance with all of the applicable requirements of this Chapter.

(B) Completeness Does Not Equate to Approval. A determination of completeness does not mean that:

- (1) The contents of the submittal are accurate or that they comply with the standards of this Chapter;
- (2) The application will receive a positive recommendation or final decision from the applicable administrative body; or
- (3) During the review, additional clarification or information will not be needed.

(C) Timeline for Review. The completeness review required in subsection (A), shall be accomplished no later than five business days after an applicant submits a potential application.

(D) Incomplete Applications.

- (1) When the Administrator determines a submittal to not be complete, the Administrator shall:
 - (a) Notify the applicant in writing with a list of all missing or incomplete items; and
 - (b) Provide 10 business days for the applicant to resubmit the missing or incomplete items.
- (2) If the missing or incomplete items are not submitted within the 10-day period, then the Administrator shall deem the application rejected, shall not accept the application for filing, and shall make the submittal and application fee available to the applicant for retrieval. After the Administrator rejects an application, a new application and fee shall be required if the applicant wishes to apply again.
- (3) Incomplete or rejected applications are not considered "filed" or "submitted" for the purposes of Texas Local Government Code (TLGC) [Chapter 212](#), [TLGC Chapter 245](#), or for any other purpose.

§ 154.404 PUBLIC NOTICE

(A) Generally.

- (1) *Notice by Publication.* When required, shall be provided in accordance with the requirements of the Texas Local Government Code (TLGC).
- (2) *Notice by Mail.* When required, shall be provided to each owner, as indicated by the most recently approved municipal tax roll of real property.

(B) Applicability. Table 154.404-1, *Required Notice*, sets out the specific notice required for each type of application where notice is required.

Table 154.404-1 Required Notice		
Type of Application	By Mail	By Publication
Preliminary Plats	Not Required	Required
Final Plats	Not Required	Required





**Table 154.404-1
Required Notice**

Type of Application	By Mail	By Publication
Plat Vacation	Not Required	Required
Amending and Minor Plats	Not Required	Not Required
Replats	Required ¹	Required
Text Amendment	Not Required	Required
Variance	Not Required	Required
Appeals	Not Required	Required
Table Notes: ¹ Required per Texas Local Government Code (TLGC) Sec. 212.015		

- (C) **Procedural Requirements for Notice.** All notices shall describe the action proposed to be taken and the date, time, and place of the public hearing. In addition, the following requirements apply based on the type of required notice:
- (1) *Publication Notice.* Notice shall be published in an official newspaper of general circulation in the City as provided by state law.
 - (2) *Mailed Notice.*
 - (a) Written notice shall be sent to all owners of real property which are located within 200 feet of the subject property or within 200 feet of any other abutting property under the same ownership as the subject property.
 - (b) Measurements shall be taken inclusive of public streets.
 - (c) Such notice may be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, with the United States Postal Service (USPS).
- (D) **Contents of Notice.** Contents of Notice shall include:
- (1) The date, time, and place of the hearing;
 - (2) Staff contact and phone number, a description, address, or location of the matter to be heard, and a statement that the public is invited to review and comment on the application.

§ 154.405 STAFF REVIEW

- (A) **Final Decision or Distribution.** After completeness determination, the Administrator shall:
- (1) *Review and Comment.* Review the application and provide comments to the applicant, which may include required revisions;
 - (2) *Review and Decide.* Review and make a final decision on the application; or
 - (3) *Distribute.* Distribute the application to the appropriate administrative body or outside agency, including, but not limited to, utilities and school districts, for recommendation or final decision.
- (B) **Required Revisions.**
- (1) *Comments.* During the application review, the Administrator may provide comments from administrative bodies, where applicable, to the applicant. The applicant shall revise and resubmit the application with requested changes.
 - (2) *Resubmittal.* Upon receipt of the resubmittal, the Administrator may refer the application to any applicable outside agency again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments, or require the agency's technical expertise for appropriate review.
- (C) **Administrative Recommendation or Decision.** Promptly after submittal of a complete application that addresses the comments provided pursuant to Subsection B above (or, after finding that no revisions are required):





- (1) **Administrative Applications.** If the application is denoted in Table 154.501-1, *Summary of Procedures*, as an application with a recommendation or final decision by the Administrator, then the Administrator shall approve, conditionally approve, or deny the application, as appropriate.
 - (2) **Other Applications.** If according to § 154.404, *Public Notice*, the application requires a public meeting or public hearing prior to a final decision, then the Administrator shall forward a recommendation to the next administrative body who will consider it for further recommendation or final decision.
- (D) **Common Decision Criteria.** In addition to all other applicable provisions of this Chapter, administrative bodies shall consider the provisions of Table 154.1065-1, *Commons Decision Criteria*, when making a recommendation or a final decision.
- (E) **Continuing Review Process.** Applications requiring a public meeting or hearing shall subsequently undergo the processes established in § 154.404, *Public Notice*.

§ 154.406 STAFF REPORT

- (A) **Generally.** If a request for subdivision is approved with conditions or disapproved, the Administrator shall provide the applicant a written statement of the reasons for the conditional approval or disapproval.
- (B) **Written Statement of Reasoning.**
- (1) **Approval with Conditions.** For a request that is approved with conditions, each individual condition shall be clearly articulated in writing, and each condition must:
 - (a) Be directly related to the requirements of the Texas Local Government Code [TLGC] Chapter 212, *Municipal Regulation of Subdivisions and Property Development*;
 - (b) Include a citation to state statute or a municipal ordinance, as the basis for the conditional approval or disapproval, as applicable; and
 - (c) Not be arbitrary.
 - (2) **Disapproval.** For a request that is disapproved, the reason for disapproval shall be clearly articulated in writing and must be based on:
 - (a) Applicable criteria as denoted in Table 154.306-1, *Common Decision Criteria*.
 - (b) All other required criteria enumerated in the specific review procedures within this Chapter.
- (C) **Timing.**
- (1) **Decision by Administrator.** If the request is approved with conditions or disapproved by the Administrator, the written statement shall be given to the applicant within thirty days from when the request was filed.
 - (2) **Decision by Governing Body.** If the request is approved with conditions or disapproved by a governing body such as the Planning Commission or Board of Adjustment, the written statement shall be given to the applicant within thirty days from when the decision was made.

§ 154.407 INACTIVE APPLICATIONS

- (A) **Generally.** Applicants shall diligently pursue the completion of approved applications. This Section extinguishes applications that become inactive due to applicant inaction.
- (B) **Voiding of Inactive Applications.**
- (1) **Process to Inactivity.** An unapproved application becomes inactive after 45 days from receiving review comments if the applicant fails to completely address the City's comments, unless the Administrator determines that the applicant is actively pursuing action to address such comments. If the Administrator makes such a determination, then the application will become inactive 90 days after the date of receipt of the comments if the applicant fails to completely address the comments.
 - (2) **Void.** Inactive applications will automatically expire and become null and void without further notice 30 days after the date when they became inactive if the applicant fails to take action or to request an extension of time.





(C) **Extension of Time.**

- (1) Prior to the expiration of an inactive plat, the application may be extended for up to six months upon written request of the applicant for cause only; and
- (2) If the City amends this Chapter or adopts other regulations during the period of time when the application was inactive, the application shall:
 - (a) Not be subject to compliance to the new regulations until the original application is considered to be voided; and
 - (b) The application shall be subject to the new regulations and ordinances if the period of time to request an extension lapses.
- (3) An inactive application shall expire after a six-month extension lapses and if an extension was not requested.

(D) **Effect of Expiration.** Applications that expire pursuant to this Section are automatically null and void without further notice or action by the City.

§ 154.408 SUCCESSIVE APPLICATIONS

- (A) **Generally.** It is the policy of the City not to hear successive applications for the same approval after an application is denied. The limitations of this Section prevent the consideration of successive applications.
- (B) **Time Required Between Substantially Similar Applications.** The City shall not accept submittal of an application that is substantially similar to an application that was denied within the past six months.
- (C) **Appeal.** The Administrator's determination that an application is substantially similar to a denied application is subject to appeal per § 154.510, *Appeals*.







154.500 PROCEDURES

§ 154.501 SUMMARY OF PROCEDURES

- (A) **Generally.** Procedures for obtaining approval pursuant to this Chapter are summarized in this Section.
- (B) **Applications and Procedures.** Each application or permit required by this Chapter is spelled out in the below table.

Table 154.501-1 Summary of Procedures PC=Planning Commission CC=City Council BOA=Board of Adjustment Admin=Administrator						
Permit/Plan	Required For	Timing	Exceptions	Review Responsibilities		Cross-Reference ¹
				Recommendation	Final Decision	
Amending and Minor Plats	Subdivision of property; land development where only minor changes are necessary	Prior to developing a minor subdivision or making a minor modification to a recorded plat	All other plats	None	Admin	§ 154.503
Preliminary Plats ²	Subdivision of land and prior to submission of detailed construction drawings of all subdivision improvements	Prior to final plat submittal	Minor Plats	Admin	PC	§ 154.504
Final Plats ²	Subdivision of land and acceptance of public improvements	Prior to recordation and starting development	Minor Plats	PC	CC	§ 154.505
Replats	The addition of lots or public rights-of-way to a recorded plat without prior vacation	N/A	None	PC	CC	§ 154.506
Vacating Plats	Returning a previously subdivided and recorded plat of land to a single unit of property	N/A	None	Admin	PC	§ 154.507
Text Amendment	Text additions or changes to this Chapter	Prior to amending Chapter	Non-substantive amendments	PC	CC	§ 154.508
Subdivision Variance	Deviation from the standards of this Chapter	Prior to or concurrent with submittal of a Preliminary Plat	None	PC	PC	§ 154.509
Appeals	Appeals from decisions of the Planning and Zoning Commission	Within 30 days of a decision	None	BOA	CC	§ 154.510

¹ Cross-references are provided for convenience only and do not exempt the application from complying with all applicable standards of this Chapter, any other provision within the City's Code of Ordinances, state law, or federal law.

² Only when the Administrator does not approve an amending plat, minor plat, or replat, then the Administrator shall submit the plat to the Planning and Zoning Commission and the procedures of § 154.504, *Preliminary Plats*, and § 154.505, *Final Plats*, shall apply.

§ 154.502 COMMON DECISION CRITERIA

- (A) **Generally.** In determining whether to approve, approve with conditions or modifications, or deny an application, the applicable review bodies shall consider the basic review criteria denoted in Table 154.502-1, *Common Decision Criteria*, below.
- (B) **Additional Criteria.** Additional decision criteria may apply and are enumerated in the specific review procedures within this Chapter.





**Table 154.502-1
Common Decision Criteria**

Common Decision Criteria	Subdivision Plats	Text Amendment	Subdivision Variance	Appeals
The request complies with the applicable standards of this Chapter, the City Code, and any applicable county, state, or federal requirements.	Yes	No	No	No
The request provides for the proper arrangement of streets in relation to existing or proposed streets and conforms to the Brazoria County Thoroughfare Plan for the extension of roads, streets, and public highways within the City, taking into account access to and extension of public utilities.	Yes	No	Yes	No
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.	Yes	No	Yes	No
The request is consistent with applicable policies of the Strategic Community Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Strategic Community Plan, the request does not impair the implementation of Strategic Community Plan.	Yes	Yes	Yes	No
The request facilitates the orderly and efficient layout and use of the land.	Yes	No	Yes	No
The request substantially conforms to any associated prior approval for the development, including, but not limited to Preliminary Plats.	Yes	No	No	No
The decision body has considered the recommendation of Staff.	Yes	Yes	Yes	No
The request promotes the purposes of this Chapter as established in § 154.101, <i>Purposes</i> , and in other applicable purpose statements in this Chapter.	Yes	Yes	Yes	No
TABLE NOTES: "Yes" = Common decision criteria applies. "No" = Common decision criteria does not apply.				

§ 154.503 AMENDING AND MINOR PLATS

(A) Generally.

- (1) *Minor Plat.* The purpose of a minor plat is to allow for the administrative approval of:
 - (a) The subdivision of property into four or fewer lots if the subject property fronts on an existing public street with no need to dedicate new public right-of-way or extend public utilities; or
 - (b) The consolidation of four or fewer existing lots.
- (2) *Amending Plat.* An amending plat is any plat meeting the definition in [Texas Local Government Code \(TLGC\) Section 212.016](#).

(B) Submittal Requirements.

- (1) *Generally.* The amending or minor plat shall depict both the current recorded configuration and the proposed configuration of all altered lots and reserves.
- (2) *Current Configuration.* The current configuration shall be located on the left side of the amending or minor plat as originally recorded.
- (3) *Proposed Configuration.* The proposed configuration shall be located on the right side of the amending or minor plat and shall depict all information as required for final plats.
- (4) *Reference to Preliminary and Final Plats.* Amending plats and minor plats shall conform to the rules and regulations of § 154.504, *Preliminary Plat*, and § 154.505, *Final Plat*, as applicable.

(C) Decision Criteria. In determining whether to approve, approve with conditions, or deny a minor or amending plat, the Administrator shall consider applicable criteria in Table 154.502-1, *Common Decision Criteria*, and the following:

- (1) *Number of Lots.* The minor plat is proposed for the creation or merger of four or fewer lots.
- (2) *Existing Street.* Each lot in the minor plat has frontage on an existing public street without the need for the creation or extension of a new public street.





- (3) **Existing Utilities.** Existing public utilities of adequate capacity serve the entirety of the subject property in the minor plat without the need for extension.
- (4) **TLGC Reference.** The purpose of the amending plat is solely one or more of those listed in TLGC Section 212.016.

§ 154.504 PRELIMINARY PLATS

- (A) **Plat Submission.** Preliminary plats shall be submitted to the Administrator for presentation to the Planning Commission at least 30 days prior to the meeting at which approval is sought. The following items must be received with the submittal:
 - (1) Full filing fee;
 - (2) The name, address, and contact information of the owner or agent;
 - (3) Letter of transmittal, stating briefly the type of street surfacing, drainage, sanitary facilities, and water supply proposed;
 - (4) Three prints of the plat printed at a scale of 24 x 36 inches and stamped "Preliminary Plat" which meets or exceeds the requirements of Subsection (B), *Plat Contents*; and
 - (5) Supplemental materials as applicable in other sections of this Chapter.
- (B) **Plat Contents.** Such preliminary plat shall be drawn to scale of 100 feet to the inch or larger, and shall show:
 - (1) The proposed name of the subdivision;
 - (2) North point (true or magnetic), scale, and date;
 - (3) The names and contact information of the owner, subdivider, and of the registered professional civil engineer or licensed land surveyor responsible for the survey and design;
 - (4) An accurate location of the subdivision in reference to the real estate records of Brazoria County;
 - (5) A vicinity map showing the relationship of subdivision to major thoroughfares in all directions to a distance of at least one mile;
 - (6) The plat boundaries shall be drawn with heavy lines to indicate the subdivision with overall survey dimensions and bearings. Lines outside the subdivision shall be drawn as dashed lines;
 - (7) The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of land which is unsubdivided land;
 - (8) The legal description of the property proposed to be subdivided, including the name of the survey and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street right-of-way intersection;
 - (9) The location, widths, and names of all existing or platted streets, roads, alleys, half-streets, railroad rights-of-way, and easements within the subdivision and immediately adjacent thereto, the location of all existing permanent buildings within the subdivision, and all existing easements and other important features, such as section lines, political subdivision, municipal limit lines, on all sides for a distance of not less than 200 feet;
 - (10) Location of pipelines, present physical features on the land including natural and artificial water courses, ditches, ravines, culverts, bridges, present structures and any other features directly pertinent to the land being subdivided, location of existing utilities, showing pipe sizes and capacities of sewer and water mains and drainage facilities;
 - (11) True bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat;
 - (12) Municipal, County, school district or section lines accurately tied to the lines of the subdivision by distances and bearings;
 - (13) Topographic map of the property with contours intervals of 0.5 feet or less, referred to sea level (U.S. Coast and Geodetic Survey) datum;





- (14) The location and approximate width of existing and proposed watercourses, ravines, drainage easements, and topographical elevations; and the boundaries of designated flood zones, as provided in the latest edition of the Federal Insurance Rate Map as published by the Federal Emergency Management Agency. All such information shall be certified by a registered professional land surveyor or a registered professional engineer authorized to do business in the state;
 - (15) The names of all proposed streets located within the subdivision and immediately adjacent to said subdivision. If all or part of a street or major thoroughfare runs through the subdivision, the plat shall depict such street, and the plat shall contain a note that such street will be dedicated to the City. Furthermore, the developer shall build such street in accordance with the City's standards established in § 155.406, *Streets and Rights-of-Way*.
 - (16) Zoning district classification and land use designation of the land within the subdivision;
 - (17) Setback building lines as determined by the applicable zoning district in either § 155.503, *Standards for Residential Development*, or § 155.504, *Standards for Non-Residential Development*; and
 - (18) The draft of any protective covenants whereby the subdivider proposes to regulate the use of the land in the subdivision; provided however, that such restrictive covenants, conditions, or limitations shall never be less than the minimum requirements of the City under the provisions of this Chapter and/or under the provisions of **CHAPTER 155, Zoning Code**.
- (C) **Planning Commission Action.**
- (1) *Public Meeting.* The Planning Commission shall hold a public meeting on the preliminary plat within 30 days from when the application is determined to be complete in compliance with the standards of § 154.303, *Application Completeness*.
 - (2) *Review and Decision.* The Planning Commission shall provide public notice, review, and make a determination on the submitted plat per the standards of § 154.030, *Applications, Review, and Notice*, and Table 154.402-1, *Common Decision Criteria*.
- (D) **Effect of Approval.** A preliminary plat approval authorizes an applicant to file an application for a final plat approval. The approval of the preliminary plat of a subdivision shall not constitute acceptance of the same, but is merely an authorization for the subdivider to proceed with the preparation of the final or recorded plat.
- (F) **Expiration and Extension of Approval.**
- (1) *Approval Expiration.* The approval of the preliminary plat of a subdivision shall expire after 120 days, unless the final or record plat has been submitted and recorded as provided in this Chapter.
 - (2) *Extension of Approval.* An extension of such period of time may be given at the discretion of the Planning Commission, provided the subdivider has shown that he is proceeding in good faith to complete the work necessary before filing the final or record plat.
- ('68 Code, § 33-25) (Ord. 472, passed 12-18-56)
- (G) **Plans And Specifications For Improvements.**
- (1) *Plans for Construction.* After approval of the preliminary plat of a subdivision, the subdivider's engineer, who shall be a registered professional civil engineer, shall prepare the necessary plans for the construction of water mains, sanitary sewers, and street paving.
 - (2) *City Engineer Approval Required.* No work shall be started or contract awarded until the plans for such work have been approved by the City Engineer and Planning Commission. The City will provide construction engineering and inspection.
 - (3) *Copies of Approved Construction Plans.* Three prints and one reproducible print of the approved construction plan shall be furnished to the city.
- ('68 Code, § 33-26) (Ord. 472, passed 12-18-56) Penalty, see § 10.99





§ 154.505 FINAL PLATS

- (A) **Plat Submission.** Preliminary plats shall be submitted to the Administrator for presentation to the Planning Commission at least 30 days prior to the meeting at which approval is sought. The following items must be received with the submittal:
- (1) Full filing fee;
 - (2) The name, address, and contact information of the owner or agent;
 - (3) Plat that conforms to the preliminary plat as approved with any and all changes, directions, and additions imposed by the City through the preliminary platting process;
 - (4) Three prints of the plat printed at a scale of 24 x 36 inches and stamped "Final Plat" which meets or exceeds the requirements of this Section and § 154.504, *Preliminary Plats*;
 - (5) A set of detailed plans signed by a State of Texas Registered Professional Engineer showing streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details;
 - (6) One original final plat with all required changes and proper signatures, prepared and signed by a State of Texas Registered Land Surveyor.
 - (7) A certificate of ownership and dedication of all streets, alleys, parks, and playgrounds to the public use forever, shall be executed by all persons, firms, associations, or corporations owning an interest in the property subdivided, resubdivided and platted, and shall be acknowledged in the manner prescribed by state law for conveyances of real property. In the case of lien-holders, they shall execute a subordination agreement, subordinating their liens to all public streets, alleys, parks, school sites and other public areas shown on the plat of such subdivision or resubdivision as being set aside for public use and purpose. The certificate of dedication shall, in addition to the above requirement, contain the following:
 - (a) An accurate description of the tract of land subdivided.
 - (b) A statement and express representation that the parties joining in such dedication deed or certificate of dedication are the sole owners of such tract of land.
 - (c) An express dedication to the public for public use forever of the streets, alley, rights-of-way, utility easements, parks, school sites, and other public places shown on the plat attached thereto.
 - (d) A positive reference and identification of the plat of such subdivision by the name of such subdivision, date of plat, and the name of the engineer.
 - (8) A waiver of claim for damage occasioned by the establishment of grades or alterations of the surface of any portion of the streets.
 - (9) Certificate showing that all taxes have been paid on the tract to be subdivided, and that no delinquent taxes exist against the property.
 - (10) Certificate of approval to be signed by the City Council.
 - (11) Other data such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission for the enforcement of these regulations.
- ('68 Code, § 33-35) (Ord. 472, passed 12-18-56)
- (B) **Special Flood Hazard Requirements.** If any part of the plat lies in a special flood hazard area, then one-foot contour lines shall be shown on the plat and the 100-year flood elevation contour shall be drawn with a very heavy line and designated. The plat shall also show the following statement in print equal in size to the certificates of approval: "Parts of this plat lower than the 100-year flood elevation have a one percent chance each year of being inundated by flooding."
- (C) **Decision Criteria.** In determining whether to approve, approve with conditions, or deny a final plat, the Planning Commission and City Council shall consider applicable criteria in Table 154.502-1, *Common Decision Criteria*, and provisions within § 154.400, *Applications, Review, and Notice*.





(D) Planning Commission Action.

- (1) *Public Meeting.* The Planning Commission shall hold a public meeting on the preliminary plat within 30 days from when the application is determined to be complete in compliance with the standards of § 154.403, *Application Completeness.*
- (2) *Review and Recommendation.* The Planning Commission shall review each final plat application. The Planning Commission shall recommendation approval of a final plat to the City Council if it is in compliance with this Chapter.

(E) City Council Action.

- (1) *Residential Ad Valorem Tax Abatement and Reinvestment Zone.* If the plat is for a residential subdivision, the City Council should make the necessary provisions to allow the purchasers of lots to apply for a residential ad valorem tax abatement and reinvestment zone policy and the guidelines and criteria in force and effect within the City.
 - (2) *Review and Decision.* If the Planning Commission recommends final plat approval or if the Planning Commission does not recommend a final plat and the applicant decides to continue with the platting process, then the City Council shall review each plat submitted to it by the Planning Commission. City Council shall approve any plat if it is in compliance with this Chapter.
- (F) Plat Finalization.** No final plat shall be approved by the Planning Commission until the City Engineer issues a certificate of improvement. ('68 Code, § 33-34) (Ord. 472, passed 12-18-56)
- (G) Filing with County Clerk.** Prior to being filed with the County Clerk, the final plat shall be approved separately by the Planning Commission and the City Council.

(H) Security Bond (Post-Approval).

- (1) *City Attorney Approval.* When a security bond has been furnished to the City by the applicant in lieu of any or all required improvements, it shall be delivered to the City Attorney for approval.
- (2) *Contract.* The security bonds shall have an attached copy of the contract for such improvements and such other information necessary to determine the validity and enforceability of such bonds.
- (3) *Written Certification.* When the bond has been examined and approved, the City Attorney shall furnish the Planning Commission with a written certification that the surety bond is valid and enforceable as regards all improvements required by these regulations still incomplete and for which cash deposit has not been made. ('68 Code, § 33-27) (Ord. 472, passed 12-18-56)

('68 Code, § 33-36) (Ord. 1227, passed 12-20-71; Am. Ord. 2002-1965, passed 1-7-02) Penalty, see § 10.99

§ 154.506 PLAT VACATION

- (A) Purpose.** The purpose of a plat vacation is to eliminate a subdivision of property reflected by a prior recorded plat, whereby the subdivided land would return to a single unit of property.
- (B) Requirements to Vacate.** In accordance with [Texas Local Government Code Section 212.013](#), a recorded plat may be vacated pursuant to the following.
- (1) *Common Ownership.* The owners of the tract covered by a plat may vacate the plat at any time before any lot in the subdivision is sold.
 - (2) *Separate Ownership.* If lots in the subdivision have been sold, the subdivision, or any part of the subdivision, may be vacated on the application of all the owners of lots in the subdivision with approval obtained in the manner prescribed for the original plat for the subdivision.
 - (3) *When Vacated.* The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
 - (4) *Execution and Recording.* On the execution and recording of the vacating instrument, the vacated plat has no effect.





(5) **Utilities.** The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the vacation procedure. The cost of any such relocation and/or abandonment shall be borne by the subdivider.

(C) Government Initiated Plat Vacation.

(1) **Generally.** The Planning Commission may vacate a plat of an approved subdivision when:

- (a) No lots within the approved plat have been sold within five years from the date that the plat was approved;
- (b) The City is unable to obtain funds from the subdivider's bonding company with which to complete construction of unfinished and abandoned public improvements, except that the vacation shall apply only to lots owned by the subdivider or its successor; or
- (c) The plat has been of record for more than five years and the Planning Commission determines that the further resale of lots within the subdivision presents a threat to public health, safety, and general welfare, except that the vacation shall apply only to lots owned by the subdivider or its successors.

(2) **Utilities.** The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the plat vacation. The cost of any such relocation and/or abandonment shall be borne by the subdivider.

§ 154.507 REPLAT

(A) **Application Required.** Any person who wishes to revise a subdivision plat which has been previously filed for record must make an application of the proposed revised plat to the Administrator.

(B) **Procedure.** Replats may be allowed without prior vacation of the existing plat according to the applicable standards of [Texas Local Government Code Section 212.014](#).

(C) **Replating Without Vacating Preceding Plat.** In accordance with Texas Local Government Code Section [212.014](#), [212.0145](#) and [212.015](#), a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) Is signed and acknowledged by only the owners of the property being replated;
- (2) Is approved, after a public hearing on the matter, if required; and
- (3) Does not attempt to amend or remove any covenants or restrictions.

§ 154.508 TEXT AMENDMENT

(A) **Generally.** Requests for amendments to the text of this Chapter may be initiated by the request of the Planning Commission, City Council, or City Manager to amend, supplement, change, modify, or repeal any portion of this Chapter that is not expressly required by Texas or Federal Law.

(B) **City Council Process.** The City Council shall:

- (1) Receive the written recommendation of the Commission and staff regarding the proposed amendment;
- (2) Hold a public hearing prior to taking action on the proposed amendment.
- (3) By majority vote, approve or deny the amendment, or continue the item to a future meeting.

(C) **Common Decision Criteria.** In determining whether to approve a text amendment, the City Council shall consider applicable criteria in Table [154.502-1](#), *Common Decision Criteria*, and the consider the following additional factors (no one factor is controlling and thus requires the City Council to make a specific decision):

- (1) **Consistency.** Whether and the extent to which the proposed amendment would conflict with any portion of this Chapter or any of Chapter of the City's Code of Ordinances.
- (2) **Effect on Natural Environment.** Whether and the extent to which the proposed amendment would not result in significantly adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.





- (3) **Community Need.** Whether and the extent to which the proposed amendment addresses a demonstrated community need.
 - (4) **Adopted Planning Documents.** Whether and the extent to which the proposed amendment is compatible with the vision set forth in the City's adopted planning documents.
- (D) **Non-Substantive Amendments.** Notwithstanding the other provisions of this Section, the City Council may, by resolution:
- (1) Correct spelling or punctuation errors;
 - (2) Cross-reference changes (because another area of City Code has been moved or changed);
 - (3) Cross-reference errors; and
 - (4) Correct other matters herein determined by the City Attorney to be non-substantive and not requiring a public notice requirement per either state law or § 154.404, *Public Notice*.

§ 154.509 SUBDIVISION VARIANCE

- (A) **Unnecessary Hardship Standard.** The Planning and Zoning Commission may authorize a variance when an applicant can show that a provision of these regulations:
- (1) Would cause unnecessary hardship if strictly adhered to; and
 - (2) Is because of a physical condition peculiar to the land.
- (B) **Procedural Requirements.**
- (1) Any variance authorized is required to be entered in writing into the minutes of the Planning and Zoning Commission meeting specifically stating the reason(s) for which the variance was approved.
 - (2) Not less than two-thirds of the entire membership of the Planning and Zoning Commission must approve the request.

§ 154.510 APPEALS

- (A) **Generally.**
- (1) **Purpose.** The purpose of the appeals process is to provide an opportunity for affected parties to seek review of a decision of a responsible official or the Planning Commission in a timely and inexpensive way.
 - (2) **Administrator and City Manager Decisions.** All decisions of the Administrator or the City Manager, pertaining to this Chapter, may be appealed to the Board of Adjustments (BOA).
 - (3) **Planning and Zoning Commission Decisions.** All decisions of the Planning Commission, pertaining to this Chapter may be appealed to the Board of Adjustments (BOA).
- (B) **Deadline to Appeal.** All appeals must be fully completed and submitted to the City 30 days after an official decision by any City official, committee, or governing body.
- (C) **Content.** The request for appeal shall clearly state each alleged error or ground for protest which the appellant intends to assert. It cannot be amended, supplemented, or modified after the public notice of meeting is posted.
- (D) **Scope of Review.** The Board of Adjustments (BOA) shall review the application in the same manner, using the same approval criteria as the decision-maker. However:
- (1) No new evidence shall be presented to the BOA that was not considered by the decision-maker; and
 - (2) No issues shall be reviewed by the BOA that were not described or obviously implied by the notice or request for appeal.
- (E) **Parties to Appeal.**
- (1) Only parties in the action shall have standing to bring an appeal. No appeal by a person who is not a party shall be heard.





- (2) A person or entity is a party if it demonstrates:**
 - (a) That final action of the City caused it injury;**
 - (b) The injury is different in kind or degree from injury to members of the general public; and**
 - (c) The injury can be remedied if the appeal is granted.**
- (3) The Applicant is always a party, and shall not be required to demonstrate injury if:**
 - (a) The Applicant is appealing an adverse decision or an adverse condition of approval, in which case the Applicant is a Petitioner; or**
 - (b) The Applicant's application is the subject of an appeal by another party, in which case the Applicant is a Respondent.**
- (4) Any person or entity that owns property within 300 feet of any parcel line of the parcel that is the subject of the appeal shall not be required to demonstrate injury.**

